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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,886	09/12/2003	Yulun Wang	157438-0008	6943
1622	7590	03/25/2005	EXAMINER	
IRELL & MANELLA LLP 840 NEWPORT CENTER DRIVE SUITE 400 NEWPORT BEACH, CA 92660			MARC, MCDIEUNEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,886

Applicant(s)

WANG ET AL.

Examiner

McDieunel Marc

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-44 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mack** (*Minimally invasive and robotic surgery*, 2001).

As per claims 1, 10, 23 and 32, **Mack** teaches “Minimally Invasive and Robot Surgery” a robot (see fig. on page 571), comprising a first robot (see fig. on page 571), pictorially the three arms being taken as the first one; a second robot hta has in input device to control movement of said first robot; both first and second robot coupled to a broadband network (see fig. on page 571 and table on page 570), note that the robot being taken as the surgeon console/**Zeus**¹. With respect to claims 19 and 41, **Mack**

¹ The **ZEUS**® Surgery Robotic System is similar to the **Da Vinci**™ system. At a console the surgeon controls the instrument handles while viewing the operative area on a monitor. Using a computer interface the surgical instruments attached to a three arms robot mimic the surgeon's movements on a real time on the patient as seen in figure. One of the armed is designed for the endoscope controlled by voice control. The technology available eliminates the slight hand tremors of the surgeon and also allow the surgeon to scale their natural movements to a microscopic scale. The **ZEUS** system has many

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teaches a robot type, for entering a command to move a first robot through an input of a second robot; and transmitting the command through a broadband network (it is inherent, but also well known that each handle of Mack's system works in combination with software command through a computer system in a conferencing manner).

As per claims 2, 11, 24 and 33, **Mack** teaches a robot type, wherein said first and second robots each include a camera and a monitor (see fig. on page 571).

As per claims 3, 12, 25 and 34, **Mack** teaches a robot type, wherein said first and second robots each include a speaker and a microphone (see table on page 570, particularly the voice function).

As per claims 4, 13, 20-21, 26, 35 and 42-43, **Mack** teaches a robot type, wherein said input device includes a joystick (see fig. on page 571, particularly the voice function).

As per claims 5, 14, 27 and 36, **Mack** teaches a robot type, wherein input device includes a speech interface (see fig. on page 571, particularly the handles).

As per claim 6, 15, 28 and 37, **Mack** teaches a robot type, wherein said first and second robots each includes a platform that provides three degrees of freedom (see fig. on page 571), Mack meets the above limitation.

As per claim 7, 16, 29 and 38, **Mack** teaches a robot type, wherein said first and second robots each includes a platform that provides three degrees of freedom (see fig. on page 571), Mack meets the above limitation.

advantages such as small incision about the diameter of pencil, reduced patient pain and trauma, and

As per claim 8, 17, 30 and 39, Mack teaches a robot type, that further comprising wireless base station coupled to said first robot (see fig. 1 on page 571), inherently Mack's system being used wirelessly.

As per claim 9, 18, 31 and 40, Mack teaches a robot type, wherein said first includes an arbitrator (see fig. on page 571 inherently meet the limitations).

As per claims 22 and 44, Mack teaches a robot type, inherently meets the limitations of entering a command to move the first robot from a remote station.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (703) 305-4478. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

short hospital stays.

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

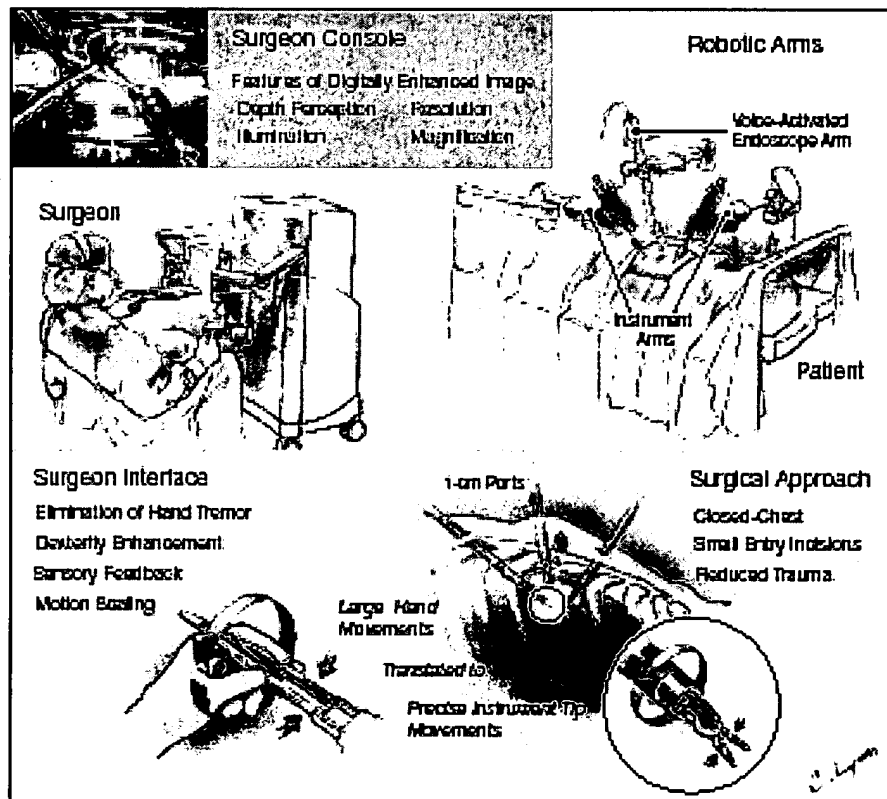
m. marc
McDjeunel Marc

Wednesday, March 09, 2005

MM/

Thomas G. Black
THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 366

Figure. Endoscopic Surgery With a Robotic System



The use of robotics or "computer assistance" enhances the performance of complex endoscopic procedures, such as coronary artery bypass graft surgery.